

CITY OF MIAMI BEACH BARGAINING UNIT GRIEVANCE PROCEDURE FORM			
UNION GRIEVANCE #: _____		LABOR RELATIONS GRIEVANCE #: _____	
<i>Instructions: Spaces 1-9 should be typed so that the same information appears at all steps. The lower portion is to be completed at each step.</i>			
1. Bargaining Unit (check one only):			
<input checked="" type="checkbox"/> FRATERNAL ORDER OF POLICE (FOP) <input type="checkbox"/> AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES (AFSCME)		<input type="checkbox"/> INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) <input type="checkbox"/> COMMUNICATIONS WORKERS OF AMERICA (CWA) <input type="checkbox"/> GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF)	
2. Date of Occurrence: January 19, 2021 and January 25, 2021		3. Employee's Name & Classification: Salabarria, Jessica; Sergeant of Police	
4. Employee's Department/Division & Telephone Ext.: Sergeant of Police / Patrol / Ext 3123		5. Employee's Immediate Supervisor & Telephone Ext.: Sgt. Lt. Garcia / ext. 5751	
<p>6. Statement/Nature of Grievance: On January 19, 2021, Chief Clements forced Sgt. Salabarria to attend a meeting without representation or counsel in violation of SOP'S and Fla. Stat. 112 ("Officer's Bill of Rights"). In attendance was Deputy Chief Wayne Jones, IA Commander Albert Prieto, Lieutenant Steven Cosner, Arley Flarety, Reginald Lester, Lieutenant Delvin Brown. Sgt. Salabarria was interviewed extensively by Commander Albert Prieto, Chief Richard Clements, and Lieutenant Steven Cosner. Lieutenant Steven Cosner had previously given Sgt. Salabarria a valentine's card showing a guy with his dick popping up through the card, a copy of the card is attached for reference. At the meeting, Sgt. Salabarria was not advised of her rights, including her rights under MBPD SOP'S, the Officers Bill of Rights. Sgt. Salabarria was never given shown any of the evidence regarding the inquiry or investigation. Sgt. Salabarria ordered to answer interrogatory questions. Sgt. Salabarria was told that the Internal Affairs Unit would be verifying her responses and checking the veracity of her responses.</p> <p>The following day, January 20, 2021, Sgt. Salabarria's noticed her vehicle had been searched and she was unable to log in to the CMB network/laptop as her password had been reset.</p> <p>On January 24, 2021, Sgt. Salabarria was notified by the Shift Commander, Lt. Mitat, that she was not to report to work that day. On Monday, Sgt. Salabarria was ordered to a meeting in the Chief's Office.</p> <p>On Monday January 25, 2021 Sgt. Salabarria was given a memorandum by Chief Clements, advising her that she was no longer an employee thereby terminating her without due process or just cause. Sgt. Salabarria immediately protested that she did not agree with this termination, the investigation was in violation of the SOP'S and Personnel Rules, and she was not resigning voluntarily. There were no finding or summary of the investigation presented to Sgt. Salabarria, however, the Chief proceeded with an involuntary discharge of her employment.</p> <p>It is undisputed that Sgt Salabarria has been sexually harassed at work, shown porn while at work, given valentines cards with dicks on it. For some unknown reason, the City find this conduct somewhat normal. In fact, during the November 2, 2020 meeting the City's Labor Attorney acknowledges that the Officers were likely watching porn on duty but minimized it by saying: "by the way, it's a police force, this is um, not a bunch of choir boys" Furthermore, during the meeting, there was constant joking that the City has enough female officers and that the City is 6% above the national average.</p> <p>It is well documented that any meetings at the City are considered a public forum as the City is doing the Public's business and most of the station is under video and audio surveillance. The City cannot claim that there is any confidentiality regarding PowerPoints, documents, records or any other parts of an investigation which are all considered public records. In the public's interest and in accordance with the public record laws, all business and meeting conducted should be conducted as if the meeting were held in an open and public forum.</p>			
<p>7. Contract Article(s) Alleged Violated:</p> <p>Violation of the U. S. Const. amend. I</p> <p>Article 5 (Continued employment is a property right guaranteed by the 14th Amendment to the U.S. Constitution)</p> <p>Article 11.5</p> <p>Article 11.11</p> <p>Article 11.12</p> <p>CMB PR Rule 1</p> <p>CMB PR Rule 10</p> <p>MBPD SOP 010</p> <p>MBPD SOP 010A</p> <p>MBPD SOP 010B</p> <p>MBPD SOP 009</p> <p>MBPD SOP 066</p> <p>MBPD SOP 067</p> <p>MBPD SOP 069</p> <p>Past Practice</p> <p>"All other provisions which may apply."</p>			
<p>8. Suggested Adjustment: Reinstate Sgt. Salabarria, make Sgt. Salabarria whole in all aspects.</p> <p>DocuSigned by:</p> <p> Jessica Salabarria 2/19/2021 10:49 AM EST</p> <p>Employee's Signature Date Union Representative's Signature Date</p>			
TO BE COMPLETED AND PRESENTED AT EACH STEP			
 Attorney 2/19/2021 Step 1 - Presented by (signature/title) Date:		Received by (signature/title): Date:	
STEP 1 RESPONSE (FROM DIVISION TO PRESENTER)			
_____ Grievance Denied (state why): _____ Grievance Resolved (state how): (signature/title) Date:		Received by (signature/title): Date:	
Step 2 - Presented by (signature/title) Date:		Date:	

STEP 2 RESPONSE (FROM DEPARTMENT TO PRESENTER)	
_____ Grievance Denied (state why): _____ Grievance Resolved (state how): (signature/title) _____ Date: _____	
Step 3 - Presented by (signature/title) _____ Date: _____	Received by (signature/title): _____ Date: _____
See Attached Reply to Step 3 from City Manager's Designee/Labor Relations	
ARBITRATION REQUEST Presented by (signature/title) _____ Date: _____	Received by (signature/title): _____ Date: _____